

HOUSE BILL 2603

By McKenzie

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, Part 4 and Section 49-2-116, relative
to drug offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-432, is amended by adding
the following as a new subsection:

(h) A defendant who was convicted of a violation of § 39-17-417 that occurred
prior to September 1, 2020, and whose sentence was enhanced pursuant to a prior
version of this section may petition the court in which the defendant was convicted to be
resentenced pursuant to this section. Upon receiving such a petition, the court shall
determine whether the defendant could have been sentenced to serve less time
incarcerated before becoming eligible for release under current law and, if so, shall hold
a new sentencing hearing pursuant to § 40-35-209. Following the sentencing hearing,
the court shall determine the defendant's sentence under current law, and if the
sentence requires the defendant to serve less time incarcerated before becoming
eligible for release, the court shall issue a new sentence. If the court determines that the
person would serve the same amount of time or more time incarcerated before
becoming eligible for release under current law, the court shall dismiss the petition.

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it, and
applies to offenses committed before September 1, 2020.